



PUBLIC NOTICE

Federal Communications Commission
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DA 02-951
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LOCKHEED MARTIN/COMSAT AND INTELSAT SEEK FCC CONSENT TO ASSIGN LICENSES AND SECTION 214 AUTHORIZATIONS

IB DOCKET NO. 02-87

PLEADING CYCLE ESTABLISHED

Petitions/Comments due: May 24, 2002
Oppositions/Responses due: June 7, 2002

I. THE TRANSACTION

On April 5, 2002, Lockheed Martin Corporation ("Lockheed Martin"), COMSAT Corporation, and COMSAT Digital Teleport, Inc. (collectively "COMSAT" or "Assignor"), together with Intelsat, Ltd., Intelsat (Bermuda), Ltd., Intelsat LLC, and Intelsat USA License Corp. (collectively "Intelsat" or "Assignee") (jointly "Applicants") filed applications pursuant to sections 214, 308, 310(b)(4) and 310(d) of the Communications Act of 1934, as amended, to assign common carrier and non-common carrier earth station licenses, private land mobile radio (PLMR) licenses, and international section 214 authorizations from COMSAT to Intelsat. These assignments are filed in connection with Intelsat's proposed acquisition of the assets of a Lockheed Martin business unit known as COMSAT World Systems ("CWS") and the assets of associated COMSAT business enterprises COMSAT Digital Teleport, Inc. ("CDTI") and COMSAT General Corporation, both subsidiaries of COMSAT Corporation.¹ COMSAT additionally filed applications seeking to modify the common carrier status of certain earth station facilities that it proposes to assign to Intelsat. In these modification applications, COMSAT seeks to modify the current licenses to permit the facilities to be used to provide service on both a common carrier and non-common carrier basis.²

¹ Applicants state that the proposed sale includes the assignment of the CDTI business, but not that of COMSAT General.

² In addition, separate applications seeking assignment of four earth stations and one experimental facility from COMSAT to Intelsat already are pending before the Commission. See Application of COMSAT Corporation, *et al.*, FCC File No. SES-ASG-20010423-00856 (filed April 20, 2001) (concerning the earth station facilities E990320, E980200, E000296 and E010104); see also FCC File No. 0010-EX-AU-2001 (filed April 20,

Applicants also request that grant of the assignment applications include authority to assign to Intelsat: (1) additional authorizations issued to COMSAT/CWS during the pendency of the Commission's consideration of the assignment applications or during the period required for consummation of the assignment following approval; and (2) applications that will have been filed by COMSAT/CWS and are pending at the time of consummation of the proposed assignment, including requests for special temporary authority concerning a new or existing facility associated with the transaction.

II. THE PARTIES

According to Applicants, Intelsat LLC is the proposed Title III licensee and Intelsat USA License Corp. is the proposed holder of the international section 214 authorizations. Intelsat LLC, a Delaware company, is wholly owned and controlled by Intelsat Holdings LLC, also a Delaware company, which in turn is wholly owned by Intelsat (Bermuda), Ltd., a company incorporated under the laws of Bermuda. Intelsat USA License Corp., a Delaware corporation, is wholly owned and controlled by Intelsat USA Sales Corporation, also a Delaware corporation, which in turn is wholly owned by Intelsat Global Sales & Marketing Ltd., a company incorporated under the laws of England and Wales, which itself is wholly owned by Intelsat (Bermuda), Ltd. Intelsat (Bermuda), Ltd. is a wholly owned subsidiary of Intelsat, Ltd., also a company incorporated under the laws of Bermuda. Intelsat, Ltd. is owned by more than 220 entities, representing 145 nations. Lockheed Martin will continue to hold approximately 24.05 percent of Intelsat, Ltd.'s shares through COMSAT Corporation and related COMSAT business entities.

Intelsat owns and operates a global satellite system that provides space segment capacity. Intelsat's customers include distributors such as COMSAT that resell capacity, as well as customers that purchase capacity for their own use. Applicants state that grant of the applications would allow Intelsat to combine the COMSAT/CWS downstream distribution infrastructure with the existing Intelsat space segment capacity.

III. APPLICATION FOR CONSENT TO ASSIGNMENTS

Applicants have filed a main narrative that describes the proposed transaction and requests approval of COMSAT's assignment of the Title III licenses to Intelsat LLC and the Title II common carrier authorizations to Intelsat USA License Corp. Applicants assert that the proposed assignments will serve the public interest under sections 214 and 310(d) of the Act. They also assert, pursuant to section 310(b)(4), that the corporate structure and foreign ownership interests of Intelsat are consistent with prior Commission rulings under this section of the Act. The foreign ownership submission made by applicants pursuant to section 310(b)(4) is assigned the file number below:

ISP-PDR-20020405-00010 Intelsat, Ltd., Intelsat (Bermuda), Ltd., Intelsat LLC

IV. EARTH STATION ASSIGNMENT AND MODIFICATION APPLICATIONS

This Public Notice lists applications for the assignment of non-common carrier and common carrier earth station licenses and applications for modification of common carrier earth station licenses.

2001) (concerning experimental facility WB2XDE). Those applications are not related to the proposed transaction here.

The Lead File Number for the Earth Station Assignment Applications is SES-ASG-20020405-00552. The Lead File Number for the Earth Station Assignment Modification Applications is SES-MOD-20020405-00568.

Assignment Applications

<u>File No.</u>	<u>Licensee</u>	<u>Call Sign(s) & Regulatory Status</u>
SES-ASG-20020405-00552	Comsat Corp/CWS	E970168 (Non-Common Carrier)
SES-ASG-20020405-00561	Comsat General Corp.	E930312, E980510, WA27, WN52 (Common Carrier)
SES-ASG-20020405-00564	Comsat Corp/CWSs	KA25, KA251, KA258, KA259, KA260, KA261, KA262, KA264, KA265, KA266, KA267, KA268, KA269, KA270, KA275, KA398, WA22 (Common Carrier)
SES-ASG-20020405-00565	Comsat Corp/CWS	E920519, E970091, E970319, E970325, E970326, E970330, E980485, KA263 (Non-Common Carrier)
SES-ASG-20020405-00566	Comsat Digital Teleport, Inc	E0000335, E980526, E990122, E990131 (Non-Common Carrier)

Modification Applications

<u>File No.</u>	<u>Licensee</u>	<u>Call Sign(s) & Regulatory Status</u>
SES-MOD-20020405-00568	Comsat Corp/CWS	KA258 Common Carrier
SES-MOD-20020405-00569	Comsat Corp/CWS	KA259 Common Carrier
SES-MOD-20020405-00570	Comsat Corp/CWS	KA261 Common Carrier
SES-MOD-20020405-00571	Comsat Corp/CWS	KA260 Common Carrier
SES-MOD-20020405-00572	Comsat Corp/CWS	KA262 Common Carrier
SES-MOD-20020405-00574	Comsat Corp/CWS	KA264 Common Carrier
SES-MOD-20020405-00579	Comsat Corp/CWS	KA265 Common Carrier
SES-MOD-20020405-00581	Comsat Corp/CWS	KA266 Common Carrier
SES-MOD-20020405-00582	Comsat Corp/CWS	KA267 Common Carrier
SES-MOD-20020405-00583	Comsat Corp/CWS	KA268 Common Carrier
SES-MOD-20020405-00590	Comsat Corp/CWS	KA270 Common Carrier
SES-MOD-20020405-00591	Comsat Corp/CWS	KA269 Common Carrier
SES-MOD-20020405-00592	Comsat Corp/CWS	KA398 Common Carrier
SES-MOD-20020405-00593	Comsat Corp/CWS	WA22 Common Carrier
SES-MOD-20020405-00594	Comsat General	E930312 Common Carrier
SES-MOD-20020405-00595	Comsat General	E980510 Common Carrier
SES-MOD-20020405-00596	Comsat General	WA27 Common Carrier
SES-MOD-20020405-00597	Comsat General	WN52 Common Carrier
SES-MOD-20020405-00619	Comsat Corp/CWS	KA25 Common Carrier
SES-MOD-20020405-00620	Comsat Corp/CWS	KA251 Common Carrier
SES-MOD-20020405-00621	Comsat Corp/CWS	KA275 Common Carrier

V. PRIVATE LAND MOBILE RADIO ASSIGNMENT APPLICATION

This Public Notice lists an application for the assignment of two PLMR licenses that originally were placed on public notice³ by the Wireless Telecommunications Bureau on April 17, 2002:

³ See Wireless Telecommunications Bureau Assignment of Authorization and Transfer of Control Applications Action, *Public Notice*, Report No. 1156 (rel. Apr. 17, 2002).

File No.
0000838233

Licensee
Comsat Corp/CWS

Call Sign(s)
WPAG76, WPAM980

Notwithstanding that earlier public notice, we clarify that the comment dates for this application are those established herein.

VI. SECTION 214 ASSIGNMENT APPLICATION

Applicants also filed an application to assign several international section 214 authorizations to provide common carrier services:

ITC-ASG-20020405-00185 COMSAT Corporation (also known as Communications Satellite Corporation)

VII. GENERAL INFORMATION

The assignment and modification applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments regarding or petitions to deny the applications on or before **May 24, 2002**. Oppositions or responses to these comments and petitions may be filed on or before **June 7, 2002**. All filings concerning matters referenced in this Public Notice should refer to **IB Docket No. 02-87** as well as the specific file numbers of the individual applications or other matters to which the filings pertain. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an Order temporarily amending certain procedural rules on an emergency basis.⁴ Pleadings must be filed electronically (*i.e.*, by e-mail or facsimile), by overnight delivery service, or by hand delivery to the Commission's Massachusetts Avenue location.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may

⁴ See *In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001).

⁵ See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, we request that one copy of each pleading be sent to each of the following:

- (1) The Commission's duplicating contractor, Qualex International (phone: (202) 863-2893) via e-mail: qualexint@aol.com, or by facsimile: (202) 863-2898.
- (2) Kathleen Collins, Policy Division, International Bureau; via e-mail: kcollins@fcc.gov, or by facsimile: (202) 418-2824.
- (3) Susan O'Connell, Policy Division, International Bureau; via e-mail: soconnel@fcc.gov, or by facsimile: (202) 418-2824.
- (4) JoAnn Lucanik, Satellite Division, International Bureau; via e-mail: jlucanik@fcc.gov, or by facsimile: (202) 418-1414.
- (5) Neil Dellar, Office of General Counsel; via e-mail: ndellar@fcc.gov, or by facsimile: (202) 418-7540.
- (6) Brian O'Donnell, Wireless Telecommunications Bureau; via e-mail: bodonnell@fcc.gov, or by facsimile: (202) 418-2643.

Copies of the application and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at qualexint@aol.com. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

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